

Notice of Allowability

Application No.

09/590,814

Examiner

William K Cheung

Applicant(s)

YOSHIHARA ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/5/2004.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. In view of applicants' argument filed April 5, 2004, the rejection of claims 1, 3 under 35 U.S.C. 103(a) as being unpatentable over Segal (US 3,769,260) in view of Yoshihara et al. (US 5,399,605) is withdrawn. Further, the rejection of claims 2, 4 under 35 U.S.C. 103(a) as being unpatentable over Segal (US 3,769,260) is withdrawn.

Allowances

2. Claims 1-4 are allowed.

3. The following is an examiner's statement of reasons for allowance:

As of the date of this office action, the examiner has not located or identified any reference that can be used singularly or in combination with another reference including the closest prior art of Segal (US 3,769,260) to render the present invention anticipated or obvious to one of ordinary skill in the art.

*The invention of claims 1, 3 relates to a **polyester resin composition** for engine peripheral parts, the resin composition comprising:*

Art Unit: 1713

(A) **60-92%** by weight of at least one polymer selected from the group consisting of **polyethylene terephthalate** and an **ethylene terephthalate copolymer**;

(B) **5-15%** by weight of **talc**; and

(C) **3-25%** by weight of an **olefin polymer**,

wherein **a molded article** produced from the resin composition has a **flexural strain at break of 3.5% or higher** and a **deflection temperature under load of 180°C or higher**.

The closest prior art Segal (col. 10, claims 1-3) discloses a polyesters resin composition comprising 25 to 95 percent of polyethylene terephthalate, 0.5 to 30 percent of polyolefin, and 2 to 70 percent of inorganic reinforcement. However, Segal is silent on a composition comprising a 5-15% by weight of talc. Therefore, it would not be apparent to one of ordinary skill in art to use the polyesters resin composition teachings in Segal to obtain the invention of claims 1, 3. Further, in view of applicants' Declaration and argument filed April 5, 2004, Segal is clearly silent on the flexural strain and the deflection temperature as claimed. The invention of claims 1, 3 is allowed.

The invention of claims 2, 4 relates to **a polyesters resin composition** for engine peripheral parts, the resin composition comprising:

(A) **100 parts** by weight of at least one polymer selected from the group consisting of **polyethylene terephthalate** and an **ethylene terephthalate copolymer**;

Art Unit: 1713

- (B) **5-70 parts** by weight of an **inorganic reinforcement material**;
- (C) **2-20 parts** by weight of an **ethylene polymer** having a **melt flow rate of 5 or lower**; and
- (D) **3-20 parts** by weight of a **propylene polymer** having a **melt flow rate of 5-100**, wherein a **molded article** produced from the resin composition has a **flexural strain at break of 3.5% or higher** and a **deflection temperature under load of 180°C or higher**.

The closest prior art Segal (col. 10, claims 1-3) discloses a polyesters resin composition comprising 25 to 95 percent of polyethylene terephthalate, 0.5 to 30 percent of polyolefin, and 2 to 70 percent of inorganic reinforcement. However, Segal is silent on a composition comprising a propylene polymer having a melt flow rate of 5-100. Therefore, it would not be apparent to one of ordinary skill in art to use the polyesters resin composition teachings in Segal to obtain the invention of claims 2, 4. In view of applicants' "unexpected results" in improved appearance, impact and heat resistance and the Declaration and argument filed April 5, 2004, applicants have clearly shown the criticality of the combination of ethylene polymer having a melt flow rate of 5 or lower and a propylene polymer having a melt flow rate of 5-100. The invention of claims 2, 4 is allowed.

Art Unit: 1713

In light of the above discussion, it is evident as to why the present claims are patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number is (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 1713

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'William K. Cheung', with a long horizontal flourish extending to the right.

William K. Cheung
Primary Patent Examiner

May 23, 2004